



07 SEP 2005

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

David Klein
Dekel Patent Ltd.
Beit HaRofim
18 Menuha VeNahala Street, Room 27
Rehovot
ISRAEL

In re Application of BRILL et al
U.S. Application No.: 10/525,568
PCT Application No.: PCT/IL03/00373
Int. Filing Date: 08 May 2003
Priority Date Claimed: 09 May 2002
Attorney Docket No.: 1538NOV-US
For: AN OPTICAL SYSTEM OPERATING WITH
VARYING ANGLE OF INCIDENCE

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 25 February 2005.

BACKGROUND

On 08 May 2003, applicant filed international application PCT/IL03/00373, which claimed priority of an earlier Israel application filed 09 May 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 20 November 2003. The thirty-month period for paying the basic national fee in the United States expired on 09 November 2004.

International application PCT/IL03/00373 became abandoned as to the United States for failure to timely pay the basic national fee.

On 25 February 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 08 May 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 February 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459